

Following are areas in the 3rd Staff Draft of the Delta Plan (Plan) that Reclamation has identified as red flags for federal agencies:

- Page 8 line 39 says that the BDCP is expected to be complete by 2012. Based on new CA Administration efforts, this completion date may be modified.
- Page 9 line 4 says “Additional critical components of the Delta Plan include emergency response plans for each of the Delta counties and for the State and federal water projects, the Delta Protection Commission’s *Economic Sustainability Plan* for the Delta, the Department of Parks and Recreation’s *Delta Recreation Plan*, and decisions of federal and State policy makers on financing in support of the coequal goals.
- The DSC envisions that federal consistency with the Delta Plan might be achieved through expansion of the San Francisco Bay Conservation Development Commission (BCDC) authority to include the Delta, through the Coastal Zone Management Act. However, the governance chapter in this draft does not have any language on how this will occur, or any language to describe how DSC envisions how federal law and the regulatory Delta Plan will work together absent the BCDC expansion.
- Beginning line 4 on page 41 is a sentence that says “A public list of policies and plans determined to be consistent and not consistent with the Act shall be maintained on the Council website and included in reports of the Council on its effectiveness in implementing the Act.”
- WR R3 on page 49 says “A proponent for a new proposed point of delivery from the State Water Project that results in increased demand for diversions from the Delta or the Delta Watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives.” Reclamation comment: The definition for the baseline used to determine increased demand may vary depending on stakeholder interests.
- WR P4 on page 50 can provide unintended consequences depending on how the DSC chooses to react to proposed covered actions if the SWRCB fails to provide certain flow objectives and criteria by certain dates.
- ER P4 on page 67 has a bullet that says “State and local agencies constructing new levees, substantially rehabilitating or reconstructing existing levees in the Delta and Delta watershed shall evaluate and incorporate alternatives (including use of setback levees) that would increase the extent of floodplain and riparian habitats.”
- ER R5 on page 69 says “The involved federal, State, and local agencies should complete the Bay Delta Conservation Plan process (i.e., receive required incidental take permits) consistent with the Delta Reform Act no later than December 31, 2014. If the Bay Delta Conservation Plan process is not completed by this date consistent with the Delta Reform Act, the Council will proceed with ecosystem and conveyance planning recommendations independent of the Bay Delta Conservation Plan process for inclusion in the first five-year update of the Delta Plan.”
- A Species Performance measure shown on line 23 of page 70 says “Progress toward achieving the state and federal “doubling goal” for wild, Central Valley anadromous fishes”.
- A general comment on performance measures in the document - they appear to be in list format, w/o language showing how the baseline will be developed, or how measurement of progress will be achieved for each measure. Also monitoring costs for these could be an issue, if a process isn’t

already in place.

- ER P1 page 65 can provide unintended consequences depending on how the DSC chooses to react to proposed covered actions if the SWRCB fails to provide certain flow objectives and criteria by certain dates.
- The Water Quality Chapter beginning on page 75 has much improved over the previous draft Delta Plan.
- There is a discussion on EPA's ANPR beginning on line 37 on page 78.
- Water quality recommendations include several dates for the SWRCB to meet to adopt certain policies, regulations, and standards.
- There are numerous references to levees, relative to floodplains, protection level, design criteria, liability, etc in Chapter 7.
- RR R8 on page 96 says "U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and Department of Water Resources should modify flood control management procedures for reservoirs upstream of the Delta considering sea level rise, changes in precipitation, and changes in water supply operations.
- DP R4 on page 103 says "The Department of Fish and Game and U.S. Fish and Wildlife Service should develop rules for voluntary Safe Harbor agreements with property owners whose actions contribute to the recovery of listed threatened or endangered species."
- In the Finance Chapter, under Guiding Principles on page 108 there is a bullet on line 26 that says "Existing contributions for closely related activities should be considered for crediting. Site specific contributions by agencies should not be credited (for example, the installation of fish screens and waste treatment costs.)"